

5:00 P.M. – PUBLIC MEETING

CALL TO ORDER (IN CITY HALL KIVA FORUM) – **5:03 P.M.**

ROLL CALL - **ALL PRESENT**

INFORMATION UPDATES

Scottsdale Airport Flight Mitigation Plan – **SCOTT GRAY**

Update on Senate Bill 1354 regarding development rights, procedures - **CITY
ATTORNEY PENNARTZ**

BOARDS, COMMISSIONS & TASK FORCES

Human Services Commission (3) – **DAVE BACHMANN, JOHN BITENC,
SEYMOUR RESNICK**

Scottsdale Pride (2) – **DOMINICK SPATFORA AND RICHARD GAYLE**

Transportation Commission (1) – **VIVIAN JOHNSON**

PUBLIC COMMENT - LYNNE LAGARDE - CLARIFIED DEVELOPER'S ATTEMPTS TO WORK WITH NEIGHBORS REGARDING THE PUEBLO POQUITO DEVELOPMENT AT 123RD STREET AND MTN. VIEW

Previously referred to as “Items from the Floor,” citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “items from the floor.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items

Consent Agenda (Items 1 - 17)

1. Action: **OK – 7/0**

This Action Supports City Council Broad Goal B- Preserve the Character and Environment of Scottsdale:

Adopt Res. No. 6113 authorizing purchase in the amount of \$205,300 for the 5.007-acre Parcel No. 216-59-004E, located at 30550 N. 130th Street, for the McDowell Sonoran Preserve

Purpose:

The McDowell Sonoran Preserve currently consists of 10,557 acres of City-owned land. The purpose of the Preserve is to maintain the environmental character of the land, to protect scenic views, to preserve habitat for wildlife, and to provide opportunities for appropriate public access and passive recreation use. Scottsdale residents have also indicated a strong desire to maintain the Preserve for the enjoyment of this and future generations. The acquisition of this 5.007-acre parcel, located in the voter-approved Recommended Study Boundary (RSB) for the Preserve, furthers numerous goals of the Preserve given its habitat, recreation, scenic and strategic value.

Key Considerations:

- The McDowell Sonoran Preserve is supported by five public votes. Tax collections through May 2002 - \$91.7 million. Preserve acquisition expenditures - \$240.6 million. Bonds issued - \$232 million (\$134.6 million in General Obligation bonds). Remaining private land to consider for acquisition- 470 acres. Existing Preserve tax sufficient to pay for acquisition of this parcel.
- The City Council and voters have approved the specific boundary in which all acquisitions are made. The City Council has approved 16 acquisitions in the vicinity of this proposed acquisition. The McDowell Sonoran Preserve Commission strongly supports the preservation of all land within the voter approved Recommended Study Boundary.
- The Desert Preservation Task Force and the McDowell Sonoran Preserve Commission identified this parcel and others in the surrounding area as integral to creating a large un-fragmented habitat area and a natural corridor/linkage among the McDowell Mountains, McDowell Mountain Regional Park, the portion of the planned Preserve north of Dynamite Boulevard and the Tonto National Forest.
- The approval of Resolution No. 6113 will enable staff to expend \$205,300 plus closing costs from the McDowell Sonoran Preserve privilege tax fund. This fund was created to accumulate revenues from the .2% transaction privilege tax for the acquisition of land for the McDowell Sonoran Preserve. Sufficient funds for the acquisition are available in this fund. Proceeds are available from the \$40 million general obligation bond issued in April 2002, for the Preserve to pay for this acquisition.

Location: Parcel No. 216-59-004E at 30550 N. 130th Street

Staff Contact:

Don Meserve, Preservation Planner, 480-312-2523 (dmeserve@ci.scottsdale.az.us)

2. Action: OK – 7/0

CONSIDER ADOPTION of Resolution No. 6114 authorizing the sale of a City-owned residential property at 6838 N. Rocking Road to the highest bidder, Tracy Wareing, for \$445,000 subject to the reservation of 15 feet of Right of Way (ROW) for Indian Bend Road and the imposition of additional residential restrictions in favor of the property owners in the Ride-N-Rock subdivision.

Purpose:

On November 21, 2001 the City Council adopted Resolution No. 5973 (Attachment No. 2) authorizing the initiation of a bidding process to sell the surplus property at 6838 N. Rocking Road (Property) to the highest bidder. The sale would be subject to a new deed restriction placed on the Property by the City Council through Resolution No. 5973, which contained the same use restrictions that currently exist, except that any amendments to the new deed restrictions would require approval by two-thirds of the property owners in the Ride-N-Rock Ranchos subdivision instead of the current requirement of a majority approval.

The sale of the Property is the City's response to neighborhood concerns regarding the expansion of the 30-acre McCormick-Stillman Railroad Park (RR Park). Selling the Property to the highest bidder, subject to the existing and additional restrictions regarding its use will help preserve the residential character of the historic Ride-N-Rock neighborhood and prevent expansion of the RR Park into the neighborhood.

The public auction was held on May 28, 2002. Bidding began at the appraised value of \$350,000. Five bidders participated in the auction, and Tracy Wareing submitted the highest bid of \$445,000. Ms. Wareing has submitted a \$21,000 deposit on the Property. The balance will be due to the City 45 days from date the City Council authorizes the sale.

Key Considerations:

The City purchased the Property in July 1993 to accommodate future expansion of the Railroad Park, located on the southeast corner of Scottsdale and Indian Bend Roads. At the time there was no master plan for the Property. The RR Park benefactor, Mr. Guy Stillman, established several funding sources that could be used for RR Park expansion and development to help accomplish this purpose. On December 7, 1993, the City Council approved an amendment to the RR Park Master Plan to accommodate future expansion of the RR Park. (Attachment No. 3 is an aerial photo of the RR Park and the Ride-N-Rock neighborhood.)

Neighboring residents raised concerns about the encroachment of the RR Park east into the Ride-N-Rock neighborhood and the impact it would have on this residential area, which includes 10 properties. In 1999, at the urging of several neighbors, City staff completed short-term and long-term conceptual plans for the expansion of the RR Park into the Ride-N-Rock neighborhood so that the specific use could be identified. In order to remove the uncertainty of what would happen to the Ride-N-Rock neighborhood, these plans were taken through the Municipal Use process. Neither the Planning Commission nor the City Council approved the plans, which increased parking, added railroad and picnic facilities and

included a model railroad building. Currently the City-owned Property is not occupied and City staff maintains the grounds.

The sale of the Property will reserve 15 feet of ROW for Indian Bend Road along the north boundary of the Property to meet future needs of the road. Indian Bend Road has 55 feet of ROW on both the east and west side of the property, while the ROW along the Property's frontage is only 40 feet, as shown on Attachment No. 3.

The original purchase price (\$314,000) and closing costs to purchase the Property totaled \$319,781. Funding for the purchase came from two sources:

- ♦ General Fund (46.9%): \$150,000 and
- ♦ McCormick Endowment Fund (53.1%): \$169,781

Revenue from the sale of the Property will be prorated toward the City's General Fund and the McCormick Stillman Special Project Fund, which is the current version of the McCormick Endowment Fund in the City's fiscal year 2002/03 budget, as follows:

▪ General Fund (46.9%):	\$208,705
▪ McCormick Stillman Special Project Fund (53.1%):	<u>\$236,295</u>
TOTAL:	\$445,000

Location: Parcel No. 174-20-001, 6838 N. Rocking Road

Staff Contact: Ron King, Asset Mgt Coordinator, 480-312-7042, rking@ci.scottsdale.az.us

3. Action: OK - C

ADOPT Resolution No. 6118 authorizing the sale of vacant, surplus City owned property on the east side of 84th Street approximately 500 feet south of Indian Bend Road to the adjacent property owner Jeffrey Walter Allen for the appraised value of \$38,400.

Purpose:

Adoption of Resolution No. 6118 will allow the City to dispose of an unused .25 acre, surplus lot (Property) that creates revenue for the City, returns the property to the tax rolls and removes the City's maintenance responsibility.

Key Considerations:

The Property is a quarter acre lot surrounded on three sides by much larger lots, as shown on Attachment No. 2. The Property and the lots north, east and south are zoned R1-35, which limits lot sizes to .8 acres. In order to be developed, the property would need to be rezoned due to its small size. Property on the west side of 84th Street is zoned R-4 and is a townhouse development.

The appraiser stated in his report, which is on file with the City Clerk's Office, that the highest and best use of the Property is to assemble it with an adjacent lot. As shown on Attachment No. 2 there are two adjacent lots. Mr. Allen, who has requested to purchase the Property, owns the lot at 8402 E. Joshua Tree Lane. His lot adjoins the south and east side of the Property. He plans to landscape and assemble it with his existing lot. The property owner of the lot on the north side of the Property is not interested in the Property and concurs with the sale to his neighbor.

Section 2-221(b)(5) of Scottsdale's Revised Code allows the City to sell property directly to owners of adjoining property without going through the bid process based on a determination that uniting

ownership of the city's real property with the adjoining property will be a public benefit. The determination is based on such issues as proposed use of the property, size and configuration, existing restrictions on development and the value of the property.

As a result of Mr. Allen's request, the City's Water Resources Department determined the vacant, never used well site is surplus property. Since the City's water distribution system in this area is complete, groundwater from a well at this location would not be necessary to meet local demands. In addition, the 2001 Integrated Water Master Planning effort determined it is in the City's best interest to shut down all groundwater wells in the vicinity near the Property as part of its efforts to maximize use of surface water per the Arizona Groundwater Management Act of 1980. Revenue from the sale in the amount of \$38,400.00 will be applied to the City Well Site Account No. 602-W4708-4501.

Staff Contact:

Ron King, Asset Management Coordinator, 480-312-7042, rking@ci.scottsdale.az.us

4. Action: OK - C

AUTHORIZE Construction Bid Award No. 01IB062 to construct 700 feet of 15-inch sewer pipe in Scottsdale Road south of Highland Avenue to Archon, Inc., the lowest responsive bidder, at the lump sum price of \$216,000.00.

Purpose:

The purpose of this contract is to construct 700 feet of 15-inch relief sewer pipe in Scottsdale Road south of Highland Avenue.

Key Considerations:

- The City's annual sewer flow monitoring identified that an existing 10-inch sewer line in Scottsdale Road between Camelback and Highland is undersized for existing peak sewage flows.
- A Basis of Design Report prepared by KVL Consultants, Inc., completed in May 2001, recommended the installation of approximately 1,320 feet of new 15-inch sewer pipe in Scottsdale Road between Camelback and Highland to provide adequate capacity for existing and ultimate peak sewage flows.
- The southern 660 feet of this new 15-inch sewer pipe was recently completed as part of the private Scottsdale Emerald project. This project is located at the northeast corner of Scottsdale and Camelback Roads.
- Affected businesses and property owners along the 700-foot segment of Scottsdale Road south of Highland Avenue were contacted during the week of May 13, 2002, including representatives from Scottsdale Fashion Square Mall.
- Construction of this sewer line will impact northbound traffic on Scottsdale Road only.
- Construction of this sewer line has been scheduled for the off-peak tourist season (summertime) and will be completed within two weeks from the start of construction.

Staff Contacts:

Chuck Henne, Project Manager, (480) 312-7097, chenne@ci.scottsdale.az.us

Greg Crossman, Sr. Water Resources Engineer, (480) 312-5319, gcrossman@ci.scottsdale.az.us

5. Action: OK - C

AUTHORIZE Construction Bid Award No. 02PB086 for the construction of the Hayden Road Water Distribution System Improvements to Pueblo West Contracting, LLC, the lowest responsive bidder, at their Unit Price Bid of \$282,196.00.

Purpose:

The purpose of this construction project is to improve an existing deficient potable water distribution system. An existing 52-year old, 8-inch, cast iron, dead-end waterline will be eliminated and the services will be relocated to an existing newer 12-inch water line in Hayden Road from Thomas to Granada Roads. Additionally, a valve at the intersection of Thomas Road and Civic Center Plaza will be replaced.

Key Considerations:

The goal of the City's Water Distribution System Improvement Program is to upgrade deficient components of the water distribution system. This is accomplished through a series of prioritized design and construction contracts, in various locations throughout the city water service area. Priorities are based on compliance with current regulations, the ability to provide adequate water service, and ultimately public health and safety concerns. This proposed construction contract represents a current high priority area in need of improvement.

The Hayden Road project extends from Thomas Road to Granada Road, and includes work at the southeast corner of Thomas Road and Civic Center Plaza (See Attachment 1). This project will eliminate approximately 3,500 linear feet of an existing 8-inch cast iron water line from service due to lack of capacity, and connect the existing services to the newer 12-inch water line in Hayden Road. The project encompasses $\frac{3}{4}$ -mile on Hayden Road and construction will be completed in 60 days.

The Thomas Road and Civic Center Plaza construction will provide an underground twenty-four inch (24") isolation valve in place of an existing tee and valve to be removed. The new valve will allow for fewer impacted customers during maintenance, and will eliminate safety concerns associated with the existing, partially protruding piping.

This project has received a high priority in the overall program due to a significant pipe failure in the intersection of Hayden and Thomas Roads in April 1999, resulting in a closure of the intersection. In anticipation of this project, interim repairs to restore traffic flow and water service were performed at that time which limited capacity available to customers serviced from the existing 8-inch line in Hayden Road. This existing line dead-ends at the intersection of Thomas, which results in fire flow and capacity restrictions. Connection of the existing services to the 12" water main to remain in service will restore capacity to those properties impacted.

Stipulations in the project specifications to reduce traffic impacts include lane closure restrictions and requirements for underground boring.

Staff Contact:

Alison Boldt, Project Manager, (480) 312-7985, aboldt@ci.scottsdale.az.us

6. Action: OK – 7/0

AUTHORIZE Engineering Services Contract No. 2002-101-COS with Dibble & Associates Consulting Engineers in the amount of \$136,700.00 to provide for the design of the Pima Road Buffering Wall and Shea Boulevard Multiuse Path with pedestrian enhancements.

Purpose:

This contract will prepare construction documents for the Pima Road Buffering Wall with Multiuse Path from Inner Circle to 700 feet south of Via de Ventura and a Multiuse Path with pedestrian enhancements along the south side of Shea Boulevard between 136th Street and 142nd Street.

Key Considerations:

This design contract includes two projects that have similar scopes but are located in different areas of Scottsdale.

The Pima Road Buffering Wall consists of approximately 2,000 linear feet of noise buffering wall and 2,100 linear feet of multiuse pathway. It is set in an established neighborhood and adjacent to the Salt River Pima Maricopa Indian Community. The design will include drainage and landscaping to match the appearance and graphics of the existing Pima Buffering Wall located to the south of this area. The design will also include multiuse path and vertical curb along the road. The residents are in favor of the project since it reduces noise and beautifies the area.

The purpose of the Shea Boulevard - 136th Street to 142nd Street Multiuse Path and pedestrian enhancements project is to provide a one-mile connection/extension of a pathway to serve non-motorized modes of transportation. Also included in the project are access improvements and signal modifications at the intersection with 136th Street. The project corridor has been identified as a bikeway in the City's General Plan. Residents adjacent to the project area have petitioned the City for this pathway.

Both projects are limited to work within the existing right-of-way and the construction documents would require maintenance of all existing traffic lanes during construction on adjacent Pima Road and Shea Boulevard.

Staff Contact:

Marek Urbanek, Project Manager, 480-312-2563, murbanek@ci.scottsdale.az.us

7. Action: OK – 7/0

AUTHORIZE Architectural Services Contract No. 2002-095-COS with Jones Studio, Inc., in the amount of \$201,500 for master planning and programming for the Scottsdale Fleischer Museum at Marshall Way and First Street.

Purpose:

The City of Scottsdale contract will provide master planning and programming and alternatives for the Scottsdale Fleischer Museum in the Loloma Redevelopment Area. These tasks are targeted for completion by November, 2002. This contract contains a provision that permits a modification to acquire final design services from Jones Studio, subject to their successful completion of work under this contract and subject to City Council approval of this potential contract modification.

The contract between Arruth Associates, Inc. and Jones Studio, Inc. is proposed to provide master planning of an underground parking structure adjacent to the Scottsdale Fleischer Museum and determine utility improvements for the Loloma mixed used development project. The City, by acknowledging this contract, indicates Arruth Associates, Inc. is in compliance with Section 15 of the Loloma Redevelopment Agreement. This section requires a public selection process for all professional services procured by the developer that are eligible for eventual reimbursement or credit by the City.

Key Considerations:

- Resolution No. 6002 authorized the formation of the Scottsdale Fleischer Museum Inc. an independent non-profit art entity and authorized the City to enter into contract No. 2002-013-COS with the said entity and provided for the City to construct a museum at the Loloma project site and for the said entity to enter into agreements for leasing the structure, museum operation and art exhibits.
- The Tourism Development Commission recommended and the City Council has allocated \$3,000,000 in funding for construction and \$300,000 for operating cost deficits of the public art museum.
- The agreement requires the City to plan, build and have the museum operational by February 2004.
- The Loloma Redevelopment Agreement calls for Arruth to plan and build the underground public parking structure. When construction of the parking structure is complete, the City will reimburse Arruth for the cost of the project.
- The parking structure layout, ingress, egress and spatial relationship to the museum will be a part of the museum experience for the patrons who will attend by car. This relationship may also involve museum deliveries and storage of art and commodities.
- Using Jones Studio, Inc. as the design team for the master planning of the museum and the underground parking structure will provide efficiencies and easier coordination of the design efforts.

Staff Contact:

Corey E. Lew, Project Manager, 480.312.7769, clew@ci.scottsdale.az.us

8. Action: OK - C

AUTHORIZE Engineering Services Contract 2002-073-COS with HDR Engineering, Inc. in the total amount of \$197,793.00 for the concept design of the Chaparral Water Treatment Plant Influent and Distribution Waterlines, and the associated CAP Water Distribution Line.

Purpose:

The purpose of this contract is to establish the alignment of a new SRP finished water distribution line, a new CAP finished water distribution line, a new SRP raw water supply line, and an intake structure on the Arizona Canal. The function of these facilities is to provide raw (untreated) water to and distribute potable water from the Chaparral Water Treatment Plant (WTP). The concept design effort will incorporate the sizes of pipelines/facilities and the water demands identified in the 2001 Water Resources Master Plan.

This authorization for funding is for the concept design only. A contract modification for the subsequent final design and preparation of construction documents for this project will be presented to Council for its consideration in approximately five months.

Key Considerations:

The concept design will develop three alternative pipeline routes and intake locations for the finished water distribution lines, the influent line, the CAP water distribution line, and the intake structure.

An analysis of alternatives will include total conceptual level costs of all construction and land or right-of-way requirements, any adverse community impacts, traffic or access impacts and known cultural resources impacts. This analysis will assist in the identification of the preferred alternatives and will be presented to Council for its consideration.

Staff Contact:

Doreen Song, Project Manager, 480 312 2367, dsong@ci.scottsdale.az.us

9. Action: OK - C

AUTHORIZE Construction Award No.02PB118 for the construction of Fire Station 13 additions and renovations to Mikco Contracting, the lowest responsive bidder, at their Lump Sum Bid of \$49,900.00.

Purpose:

These additions and renovations will provide separate restroom and locker facilities for male and female personnel assigned to this station.

Key Considerations:

Currently, this fire station, located at 9065 E. Via Linda, is the only permanent Scottsdale fire facility that does not provide separate restroom and locker facilities for male and female personnel. The capability of this facility to reasonably accommodate both male and female personnel was the subject of a recent Equal Employment Opportunity complaint against the City of Scottsdale and Rural Metro Fire Department. Construction will be complete in three months and will not impact the operation of the station.

Staff Contact:

Daniel Walsh, Project Manager, (480) 312-5248, dwalsh@ci.scottsdale.az.us.
Marc Eisen, Emergency Services Director, (480) 312-7999, meisen@ci.scottsdale.az.us

10. Action: OK - C

AUTHORIZE Construction Bid Award No. 02PB129 for the construction of Fire Stations 17 and 18 to The Renaissance Companies, the lowest responsive bidder, at their Lump Sum Bid of \$1,283,000.00.

Purpose:

These new stations will provide the facilities needed to house staff, equipment and supplies to address the increased call demand from these rapidly developing areas.

Key Considerations:

Fire Station 18 will be constructed in the Troon North development along the east side of Alma School Road between Dynamite Boulevard and Happy Valley Road. Fire Station 17 will be constructed adjacent to the McDowell Mountain Ranch Marketplace along the south side of Bell Road at the 100th Street intersection. The construction of both stations was combined into one bidding package for financial

efficiency since both buildings are designed with a common floor plan and structural system. The construction contract allows 210 calendar days for construction of both facilities. The new stations are scheduled to be operational in March, 2003.

Local developers, according to stipulations imposed upon their respective developments, provided the land for these facilities. The construction of these facilities will move the City toward the accepted total emergency coverage that was identified in 1992 and subsequently included in the City's General Plan.

Staff Contacts:

Daniel Walsh, Project Manager, (480) 312-5248, dwalsh@ci.scottsdale.az.us

Marc Eisen, Emergency Services Director, (480) 312-7999, meisen@ci.scottsdale.az.us

11. Action: OK - C

It is recommended that the City Council:

1. **ADOPT RESOLUTION No. 6097, authorizing the City of Scottsdale to accept a Department of Justice Domestic Preparedness Equipment Grant to purchase equipment and technology to upgrade the City's ability to respond in a coordinated effort with other Valley cities to any incidents involving the use of hazardous materials.**
2. **AUTHORIZE the acceptance of the grant award by the Bureau of Justice Assistance, Department of Justice, resulting in a total grant amount of \$50,000; and**
3. **AUTHORIZE the establishment of Grant No. 2002-TE-CX-0051 for the purpose of receiving the grant funding.**

Purpose:

The purpose of this resolution is to consider accepting the grant funding for the following equipment purchases:

1. Hazardous Materials Detection Equipment
 - a. APD 2000 hand-held chemical agent monitor with radiological detection (1)
 - b. Five Star multi-gas air monitor (2)
 - c. Test Kit (1)
 - d. M-256 Detection Kit w/training component (1)
2. Decontamination Equipment
 - a. Shelter
 - b. Shower
3. Personal Protective Equipment
 - a. Resistant Suit (6)
 - b. Resistant Boots (6)
4. Medical Equipment
 - a. Medical Supplies for team use only
2Pam Chloride, Atropine @mg/ml, 25ml vial
Atropine Auto Injector, CANA Auto Injectors
5. Communication Equipment
 - a. Globalstar (Satellite) Tri Mode Cellular Phone, battery, case Antenna, and one-year service (8)

Key Considerations:

- The equipment purchased through this grant will allow the City of Scottsdale to participate with other Valley cities on a regional basis with uniform equipment.

- The purchase of this equipment will bring the Fire Department Hazardous Materials Team to full compatibility with Phoenix, Tempe, Mesa and Glendale.
- The purchase of communication equipment will allow for uninterrupted communication in the event of any man-made or natural disasters by the Police and Fire Departments.

Staff Contact:

Police Chief Douglas L. Bartosh (480) 312-5310

12. Action: OK - C

ADOPT Resolution No. 6116 Authorizing Agreement No. 2002-103-COS for the purchase of 25 feet of permanent Right of Way (ROW) and an adjacent 10 foot wide temporary construction easement (TCE) needed for the widening of Scottsdale Road at the Southwest Corner of Doubletree Ranch Road and Scottsdale Road from Wendell C. Cannon and Susan L. Cannon (Cannon's) for \$176,152.

Purpose:

Resolution No. 6116 will authorize the purchase of the items listed below from the property owner at 7139 E. Sunnyvale Road to allow for the addition of one southbound lane along the west side of Scottsdale Road as part of the Scottsdale Road widening project between Indian Bend Road and Gold Dust Avenue. The Acquisition/Restoration site plan for the property at 7139 E. Sunnyvale Road (Attachment No.3) was developed with input from the homeowner and depicts the items to be purchased and the impact of the project on the property.

Proposed compensation includes:

- \$85,107.00 (7,737 S.F. at \$11 per S.F.) for 25 feet of ROW along the west side of Scottsdale Road for the southbound lane and a 25 foot ROW triangle at the intersection of Sunnyvale Road and Scottsdale Road. The triangle will allow the City to angle the planned buffer wall along the west side of Scottsdale Road away from Scottsdale Road at the intersection in order to improve visual and traffic noise buffering from Scottsdale Road,
- \$ 6534.00 for a ten foot TCE parallel to the new ROW to allow construction of the planned eight foot high buffer wall along the new ROW line,
- \$19,511.00 for plants and improvements in the new ROW (Attachment No.4) and
- \$25,000.00 as payment for reduced lot width and resulting height limitation to the existing house.
- \$40,000.00 as payment for reconfiguration and restoration of the property.

Key Considerations:

On April 16, 2002 the City Council adopted Resolution No. 6051 authorizing the acquisition of the necessary ROW and easements from four Town of Paradise Valley property owners to widen Scottsdale Road from Indian Bend Road to Gold Dust Avenue by dedication, donation, negotiated purchase agreement, exchange or through the eminent domain process. Attachment No. 5 is a map showing the four properties along the west side of Scottsdale Road south of Doubletree Ranch Road adjacent to the existing 40 feet right-of-way located within the City of Scottsdale.

After the adoption of Resolution No. 6051, continued negotiations with the property owners resulted in Ocheltree, Bahai's and the Cannon's accepting offers from the City, contingent upon City Council approval. Negotiations continue with the one remaining property owner who has rejected a similar offer.

Adoption of Resolution No. 6116 will result in an expenditure of \$176,152.00 plus closing costs of approximately \$1,000.00 for the Cannon purchase. Sufficient funds are available in C.I.P. Account No. 410-S2707-54020.

Formal planning for this project began after February 5, 1996, when the City of Scottsdale (City) entered into Intergovernmental Agreement (IGA) 96-0001 with the Town of Paradise Valley (Town) to improve and widen Scottsdale Road by adding one southbound lane on the west side of the road between Indian Bend Road and Mountain View Road (Attachment No. 9). The existing roadway lies entirely within the corporate limits of the City. In the interests of the citizens of each municipality, both the City and the Town agreed to cooperate in the widening of Scottsdale Road by increasing the existing ROW along the west side to sixty-five (65) feet in order to handle the southbound traffic needs of Scottsdale Road.

Currently, and at the time of the IGA, the corporate boundary between the City and the Town in this project area lies forty (40) feet west of the Scottsdale Road monument line. Since the City currently maintains the entire existing Scottsdale Road pavement, both the Town and the City agreed that jurisdiction and maintenance responsibility of the road should remain entirely within Scottsdale corporate limits after the widening project was completed. In order to accomplish this, the City and Town agreed that the Town would de-annex all land within the Town that lies within land sixty-five (65) west of the Scottsdale Road monument line between Indian Bend Road and Mountain View Road and the City would annex this same land into Scottsdale. It is anticipated that the annexation/de-annexation process will commence upon completion of the four ROW acquisitions.

The IGA authorizes the City, with the assistance of Town staff, to negotiate with the affected property owners for the acquisition of the needed ROW. At the time the IGA was approved, nearly all of the land along the west side of Scottsdale Road was undeveloped and the scope of the project would have required acquisition of the ROW along the entire stretch of Scottsdale Road. Since that time, all vacant land has been developed and the Town cooperated with the City by requiring developers to dedicate the additional right-of-way along Scottsdale Road.

Location:

Parcel No. 174-30-010 at 7139 E. Sunnyvale Road, Paradise Valley, AZ.

Staff Contact and Extension:

Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@ci.scottsdale.az.us

13. Action: OK - C

Adopt Resolution No. 6094 authorizing purchase of excess municipal liability insurance (general liability, vehicle liability and public officials errors and omissions coverage) for the period 7/1/02 – 7/1/03 from participating insurers, led by primary excess insurer, AIG Companies, for \$ 642,000.

Purpose:

To provide liability insurance protection for accident claims excess of the City's self-insured retention amount. Purchase of excess insurance transfers the risk of covered high valued accident cases to insurers in exchange for a fixed cost premium amount.

Key Considerations:

Scottsdale Revised Code, Section 2-173, calls for the purchase of excess insurance above the self insured retention as recommended by the Risk Management Director and approved by City Council.

The insurance marketplace has changed dramatically since September 11, 2001. Prices for all property-casualty insurance coverage, including Excess General Liability, Vehicle Liability and Public Officials Errors and Omissions, have literally skyrocketed coupled with significant reductions in policy coverage and the general amounts of coverage limits available. Terrorism liability coverage has not been an exclusion or problem before September 11, 2001 but it is today. The coverage is very important in view of the rise of terrorism exposures.

Two insurance company quotations were received for lead first layer coverage along with several other company quotes to fill additional layers of total liability coverage in a mix-and-match of best structure fit as follows:

	Current Program Sirpro/Kemper	Option 1 Sirpro/Kemper	Option 2 Sirpro/Kemper	Option 3 <u>CV Starr/AIG</u>	Option 4 CV Starr/AIG
Self-Insured Retention	\$1,000,000	\$1,000,000	\$2,000,000	\$1,000,000	\$2,000,000
Total Liability Limits	\$75,000,000	\$30,000,000	\$30,000,000	\$30,000,000	\$30,000,000
Cost	\$414,200	\$910,000	\$690,000	\$890,000	\$642,000

This action recommends the purchase Option # 4 above. The CV Starr/AIG structure is the lowest cost option and contains the broadest policy coverage. The coverage provides Terrorism liability coverage for the first \$5 Million coverage layer, which the Sirpro/Kemper program does not and cannot offer. Within the CV Starr/AIG structure we recommend:

1. Increasing the self-insured retention amount from the current \$1 Million per occurrence to \$2 Million per occurrence at a savings of approximately \$248,000 the first year. The City's loss history during the last ten years has had only one penetration of \$330,000 above the \$1 Million level. It is estimated that one severe accident case penetration above the \$1 Million layer will likely occur once every five years. Given past experience and forecasts into the future, paying \$248,000 for a \$1 Million layer of coverage is not cost effective in either the short or long term.
2. \$30 Million coverage limits, which are deemed reasonable given the current insurance industry circumstances and at a cost within budget. If additional options for purchasing more coverage on a cost effective basis become available during the year, we will bring those proposals forward to the Council.

Additional considerations in our effort to control and mitigate the financial impact of liability-related accident cases, the Risk Management Division coordinates a proactive safety program geared to address the liability exposures in all the respective work areas. In addition, lessons learned from existing claims brought against the City are reviewed with appropriate City staff to prevent or mitigate future similar or related happenings.

Liability accident frequency has been declining slightly as a percent of the City's overall operating budget over the past five years. The financial value of losses, while volatile, has held steady and even declined slightly over the same period.

Staff Contact:

Myron Kuklok, Risk Management Director, 312-7841, mkuklok@ci.scottsdale.az.us

14. Action: OK - C

Adopt Resolution No. 6092 authorizing purchase of property insurance (buildings and contents) for the period 7/1/02 – 7/1/03 from the St. Paul Insurance Companies, for \$704,000.

Purpose:

To provide Property insurance coverage on the City's buildings, personal property and equipment. Purchase of Property insurance transfers the risk of covered property losses to an insurer in exchange for a fixed cost premium amount.

Key Considerations:

The insurance marketplace has changed dramatically since September 11, 2001. Prices for all property-casualty insurance coverage, especially Property insurance, have literally skyrocketed coupled with significant reductions in policy coverage and the general amounts of coverage limits available. Particularly difficult areas are Terrorism and Flood/Earthquake coverage. In our case, Flood coverage is difficult because the Water Campus is a large value location located in flood zone AO (the base flood depths range from one (1) to three (3) feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident). Currently we have \$70 Million in Flood coverage.

Two insurers submitted Property insurance quotations and options as follows:

	Current Program <u>St. Paul Cos.</u>	Option 1 <u>St. Paul Cos.</u>	Option 2 <u>St. Paul Cos.</u>	Option 3 <u>St. Paul Cos.</u>	Option 4 <u>Travelers Ins. Co.</u>
Deductible Per Loss	\$50,000	\$50,000	\$100,000	\$500,000	\$100,000
Cost	\$216,833	\$377,000	\$314,000	\$277,000	\$435,049
Flood Coverage	\$70 Million	\$30 Million	\$30 Million	\$30 Million	None
Flood Coverage Cost	\$65,000	\$390,000	\$390,000	\$380,000	N/A
Total Cost	\$281,833	\$767,000	\$704,000	\$657,000	N/A

This action recommends the purchase of Option #2 above. The St. Paul Companies' quotation is the lowest cost option and includes normal Terrorism coverage and \$30 Million Flood coverage, which is necessary to protect City buildings and personal property in flood zones, particularly the Water Campus which is located in flood zone AO. In an effort to mitigate a large potential flood exposure at the Water Campus, plans are currently underway to construct an interim trench and berm system around three sides of the Water Campus' electric switching system to divert potential water away from the electric equipment. Subsequently, a permanent concrete wall around the entire electric switching station will be built sometime this fall.

\$30 Million of Flood coverage is deemed to be adequate given the circumstances.

In addition, this action recommends raising the deductible portion from \$50,000 to \$100,000 per loss. That measure saves \$63,000 the first year and is deemed cost effective to assume an additional \$50,000 per loss risk. It is not cost effective to raise to the \$500,000 deductible to assume \$400,000 in risk for additional savings of \$47,000. The City's property loss experience has been excellent over the last ten years with only a few claims occurring in 1996 as a result of a microburst hitting the City's mall area.

Staff Contact:

Myron J. Kuklok, Risk Management Director, (480) 312-7841, mkuklok@ci.scottsdale.az.us

15. Action: OK - C

Adopt Ordinance No. 3450 repealing Division 7 of Chapter 2 of the Scottsdale Revised Code, which established the Scottsdale Endowment Advisory Board.

Adopt Resolution No. 6112, authorizing Field of Interest Agreements with the Arizona Community Foundation for the Herbert R. Drinkwater Youth Services Fund, the Scottsdale Employee Endowment Fund and the Rassner Memorial Scottsdale Library Endowment (Amended and Restated) and establishing grant distribution advisory roles for the respective funds.

Purpose:

These actions are intended to facilitate the administrative transition of the Scottsdale Community Endowment program from an "Affiliate Fund" status to "Community Fund" status, as recommended by the Scottsdale Endowment Advisory Board. Ordinance No. 3450 officially "sunsets" the Scottsdale Endowment Advisory Board and Resolution No. 6112 provides for appropriate "field of interest" fund agreements with the Arizona Community Foundation to administer the respective funds consistent with their intended public purposes.

Key Considerations:

After considerable review and discussion regarding the current status and strategic direction of the Endowment Program, the Endowment Advisory Board voted unanimously to recommend that the City Council transition the Endowment Program from an "Affiliate Fund" status to a "Community Fund" status with the Arizona Community Foundation, effective FY 2002/03.

A "Community Fund" status will allow the City to continue to partner with the Arizona Community Foundation for professional funds management, while transitioning the primary administrative focus of the Endowment Program from active fund raising with full-time staff and a designated citizen advisory board (commensurate with "Affiliate Fund" status)-- to managing fund assets and annual grant disbursements that benefit the Scottsdale community. This transition is reflected in the FY 2002/03 program budget adopted by the City Council on June 3, 2002, in which the vacant Endowment Officer position and related funding for the Endowment Office (totaling approx. \$90,000) was eliminated, consistent with Endowment Advisory Board and staff recommendations.

This programmatic transition to a "Community Fund" will still provide ongoing opportunities for fund growth through citizen and corporate donations and asset funds management by the Arizona Community Foundation. Beginning in FY 2002/03, the more limited administrative support required for "Community Fund" status will be absorbed by existing staff in the Community Services department and the relevant

citizen advisory board duties regarding annual grant recommendations to the City Council will be divided among the Library Advisory Board and the Human Services Commission-- two citizen advisory boards that are highly experienced with such matters and well positioned to understand community needs relating to the respective endowment funds.

Currently, the Endowment Program includes four funds totaling over \$540,000, stemming from citizen donations, matching funds from the Arizona Community Foundation and other investment earnings. These respective Endowment funds provide \$20,000 or more each year for grants to support library services, human services and other similar public purposes. On June 18, 2002, the City Council approved the recommendations of the Endowment Advisory Board to fund four grant proposals for various community programs and resources in the amount of \$23,700.

Staff Contact:

Neal Shearer
HRS General Manager
480-312-2406
nshearer@ci.scottsdale.az.us

Joe Kisler, CPA
HRS Department Advisor
480-312-2431
jkisler@ci.scottsdale.az.us

16. Action: OK – 7/0

Authorize Engineering Services Contract No. 2002-036-COS with Carollo Engineers in the amount of \$198,211.00 for the establishment of a time-varying water quality simulation system, which will allow compliance with future federal regulations.

Purpose:

Authorization of this engineering services contract will provide the City of Scottsdale with a time varying or Extended Period Simulation (EPS) water quality computer model of the potable water distribution system. This capability will allow the City to evaluate the potential formation of disinfection by-products within the water distribution system, and to insure compliance with future federal regulations.

Key Considerations:

- The 2001 Water Resources Master Plan addressed the City's vision for compliance with two unfunded Federal mandates governing quantities of arsenic and disinfection by-products (DBP's) in drinking water. This water quality simulation system, recommended by the Master Plan, will address the future requirement to reduce DBP's from 100 parts per billion (ppb) to 80 ppb in all segments of the potable water distribution system.
- The use of chlorine for the disinfection of municipal drinking water has the potential to produce undesirable by-products, known as DBP's. As part of Federal regulations that are designed to control these disinfection by-products, EPA has recommended the use of an EPS water quality computer model designed to predict the formation of DBP's in a water system. This simulation will assist Water Resources staff in determining operational scenarios allowing minimalization of these unwanted by-products.
- The water quality simulation system will also be used to validate the design of components of the new Chaparral Water Treatment Plant and the future expansion of the CAP Water Treatment Plant. Plant design incorporates granular activated carbon for use in the two water treatment plants to control DBP's and to improve other aspects of water quality. Analyses using this simulation will insure that the water contact time with the granular activated carbon is appropriate for minimizing DBP's in Scottsdale's water distribution system.

- The City currently owns the appropriate software, which has been used for master planning. This contract will utilize Carollo Engineers' extensive expertise and staffing to efficiently build the computer database and ensure the accuracy and reliability of the system. With this supplemental technical assistance, the simulation system can be completed in approximately one year. Without this assistance, it would take approximately three years of effort by a staff engineer. Upon completion of this contract, City staff will be able to continuously monitor DBP's and other possible contaminants in the City's water distribution system to insure compliance with future federal regulations.

Staff Contact:

Scott L. Anderson, Water Resources Engineer, (480) 312-5693, scan@ci.scottsdale.az.us

17. Action: OK - C

Adopt Resolution No. 6123, and

Authorize Intergovernmental Agreement No. 2002-109 -COS between the City of Scottsdale, Maricopa County, and the Town of Cave Creek to design and construct a traffic signal at the intersection of 56th Street and Carefree Highway.

Purpose:

To improve the safety and efficiency of the intersection located at 56th Street and Carefree Highway, and determine who will pay for the improvements and maintenance of the traffic signal.

Key Considerations:

- Define the responsibility of each party in these improvements.
- Define the cost sharing mechanism to fund the project.
- Define the operation and maintenance of the new signal.
- Address the annexation of the county strip of right-of-way.

Staff Contact:

George Williams, Traffic Engineering, 480-312-7623, gwilliams2@ci.scottsdale.az.us

Regular Agenda (Items 18 - 24)

18. Action: OK – 6/1 (R.L.)

1. To discuss and provide direction on development of the City owned 13-acre site at the northwest corner of Granite Reef and McDowell Rds. (the former Smitty's site);
2. To authorize the expenditure of \$ 65,000 from Center No. PO101 (Smitty's purchase account) to fund Phase III of the previously approved Architectural Services Contract No. 2002-017-COS with EDAW Inc. for the master-planning, financial feasibility analysis and engineering study.

Purpose:

The purpose of this presentation and action is to hear a presentation from the masterplanning consulting team and to receive further direction from council on key development issues:

- a. land uses
- b. financial parameters
- c. development parameters.

If Council chooses a final selection based on options provided, then Council will also be asked to authorize the expenditure of \$65,000 of funds from Center No. PO101 (Smitty's purchase account) to allow the City's master-planning team to continue with Phase III of this Project. This Contract, in a total amount not to exceed \$200,000 was approved by Council on February 19, 2002. These funds for phase III are currently available in Account No. PO101. Council authorization will give approval to spend these funds on the continued master-planning effort, moving forward with the master-planning design, additional feasibility and engineering analysis and parameters for RFP's. However, if Council desires to study the options further, we would suggest delaying phase III until a final decision is reached.

Key Considerations:

The development of this site represents a new city focus on smaller revitalization projects with the City Council taking the lead in the determination of the type and scope of this project, which lies within the existing Los Arcos Redevelopment Area. The City purchased this parcel from Kroger, in April 2001, in response to numerous neighborhood requests for the city to participate and control the outcome of this site when the former owner was marketing its sale. The neighborhood was concerned that the building would sit vacant for a number of years, that it would create a blighted look within the neighborhood and that potential uses would be incompatible with the neighborhood desires.

Since it's purchase, numerous neighborhood outreach meetings were held to look at potential uses for the site that the neighborhood would support. Council asked staff to look at a variety of uses including a senior center, community theater, restaurant, senior housing, retail, office and non-profit/community organization uses. Staff was asked to gather additional information from the potential non-profit and community organizations that had asked to be involved.

Once these potential uses were identified, the city hired EDAW and their masterplanning team as the site masterplanning consultant. Their task was to review all of the gathered site information, potential user design, parking, and activity information to determine compatibility of uses, how everything could fit on the site and utilize shared parking and open space, provide financial feasibility analysis including market acceptability, returns on land from uses, engineering requirements and preliminary costs estimates to come up with a recommendation to Council on how to move forward with this site.

At the end of Phase I, Council directed the Master planning Team to move forward with the market and preliminary financial analysis of the various approved uses for the site which represented mixes of retail, office, housing, and non-profit uses and to bring back information on the financial return of these uses to the City and recommendations about how to move forward.

Now, the Masterplanning Team will bring forward the results of their analysis and recommendation to Council after looking at the following mix of real estate uses, discussing them with the neighborhood, and with members of the development community:

Retail and Restaurant

General Office and Medical Office

Municipal or Non-Profit Uses:

Multigenerational Activity Center (City Operated or YMCA or ?)

Office/Classroom Non-Profit (Recording for the Blind & Dyslexic, Rio

Salado Community College, League of Women Voters or ?)

Black Box-type Theater (Desert Stages, Metro Theater, or ?)

School Uses(Ville De Marie Academy, Foundation for the Handicapped or ?)
Other non-profit- Maricopa County Pet Adoption Center

Housing

Family For Sale or Rental Housing

Senior Housing

Senior Independent Living with Services (rental/buy-in)

Senior Independent Living with out Services (rental)

For-Sale condominiums-(age restricted)

Assisted Living (rental)

A. These uses were judged on the following Key Points:

1. Compatibility and Synergy with:
 - a. Senior Center and Stagebrush Theater
 - b. Other possible uses on-site
 - c. Community and Neighborhood
2. Community and Neighborhood acceptance – Open Houses
3. C current Market Conditions and marketability of various types of real estate uses for this site

B. Possible City return on land investment under various land use mixes from the above.

C. Possible Disposition Strategies

1. Sell all 13 acres as Unused City Property
2. Sell off the acreage that the City doesn't need for the Senior Center and Theater as Surplus City property to the highest bidder at auction.
3. Create a Masterplan for the entire site and RFP out to work with Developers/End Users on the non-municipal portion

D. Possible RFP approaches

E. Pros and Cons of the City selling the non-municipal use land vs long term leases

Once the City Council determines direction for staff to proceed, then approval of the expenditure of funds for Phase III is required.

Work delineated for Phase III:

- Phase III (July – September, 2002) - The tasks for Phase III include taking the approved recommendations from Phase II and providing design guidelines and conceptual site plan to establish design intent for the development of the property. Additionally, prepare draft Developer/User Group RFP for the site. This work can be utilized:
- By the Senior Center and Stagebrush Theater architects to place their buildings on site in a campus-like environment.
- As a Master Site Plan for any Developer or User RFP's required for non-City uses of the property.
- As the base for any required re-zoning.
- As a guideline for civil engineering and site work to be completed on the site for the common areas – site prep, grading and drainage plans, utility plans (on and off-site), parking plans and layouts.

As the Phase III is completed, the City will be in a position to move forward with a Developer/User RFP for the remainder of the site and have site information to provide to the successful respondents to that Developer/User Group RFP's and the Architectural team for the Senior Center.

Staff Contact:

Laurel Edgar, Revitalization Manager, Economic Vitality Department, 480-312-7313,
ledgar@ci.scottsdale.az.us

19. Action: MOTION TO AMEND THE GENERAL PLAN AND ADOPT RES. N. 6090 - OK – 7/0
MOTION TO REZONE THE PROPERTY AND ADOPT ORD. NO. 3444 – OK – 7/0

Mirage of Scottsdale

1. A General Plan amendment from Resorts/Tourism and Commercial to Suburban Neighborhood on 30+/- acres located on the north side of Via Linda, between 132nd and 136th Streets.
 2. Adoption of Resolution No. 6090 affirming the above General Plan amendment.
- 3-GP-2002

3. Rezone from Multi-Family Residential, Hillside District, Environmentally Sensitive Lands (R-5C HD ESL), Central Business District, Hillside District, Environmentally Sensitive Lands (C-2 HD ESL), Single Family Residential, Environmentally Sensitive Lands (R1-43 ESL), and Neighborhood Commercial, Environmentally Sensitive Lands (C-1 ESL) to Townhouse Residential, Environmentally Sensitive Lands (R-4 ESL) on 30+/- acres located on the north side of Via Linda, between 132nd and 136th Streets.
 4. Adoption of Ordinance No. 3444 affirming the above rezoning.
- 5-ZN-2002

Purpose:

The General Plan amendment and rezoning allow development of a townhouse community.

Location:

The north side of Via Linda, between 132nd and 136th Streets. See Attachment # 2B for parcel identification and locations.

Key Considerations:

General Plan

- Replaces existing potential retail/office and resorts/tourism use designations with Suburban Neighborhood designation to allow townhouse dwellings.

Rezoning

- The existing zoning allows a variety of uses including commercial retail, office, single-family residential, and multiple-family residential.
- The proposed zoning allows townhouse residential, which consists of single-family residential dwellings with party walls or walled courtyards.
- This application proposes 134 townhouses on 30 acres.
- The NESPOA neighborhood organization supports this request. At the Planning Commission hearing those individuals who spoke in favor of the proposal indicated their satisfaction with the change from service residential and commercial to town homes.

- The individuals speaking against this proposal at the Planning Commission hearing stated concerns about traffic, density, and impact on views, lighting, and building height, and the change from service residential/commercial to town homes.
- Planning Commission recommend approval of the General Plan amendment and the rezoning as amended, 7-0.

Legal Protest

- The S. Development Co. (Pat Simone) and the Raymond G. Frank and Gail P. Frank Family Trust, owners of adjacent property, have filed a legal protest. Concerns of this opposition include the elimination of the C-2 zoning and its associated commercial services and resulting increase of traffic to/from commercial services located to the west at Frank Lloyd Wright Boulevard.
- Staff has reviewed the legal protest to determine whether it qualifies according to Zoning Ordinance requirements. The legal protest is valid, was filed prior to the Friday before the City Council hearing date, and does meet the 20% minimum adjacency requirement of Section 1.706 Legal Protest by Property Owners. Therefore, the zoning map amendment will need a favorable vote of $\frac{3}{4}$ of all the members of the City Council for an approval and if any of the members of the City Council are unable to vote on the zoning map amendment, the required number of votes for passage is $\frac{3}{4}$ of the remaining membership of the City Council. The required number of votes shall in no event be less than a majority of the full membership of the City Council.

Applicant:

Steven Voss, LVA Urban Design Studio, 7502 E. Main Street, Scottsdale, AZ 85251
480-994-0994

Owner:

Mayo Clinic Foundation, 13400 E Shea Bl, Scottsdale, AZ 85259
480-301-8700

Staff Contact:

Kira Wauwie, AICP, Project Coordination Manager, 480-312-7061
E-mail: kwauwie@ci.scottsdale.az.us

20. Action: OK – 7/0

Mirage of Scottsdale

Request to approve

1. An amendment to Parcel F of a site plan approved in case 30-ZN-1991, on 5± acres located at the northwest corner of Via Linda and 136th Street, on property with Neighborhood Commercial, Environmentally Sensitive Lands (C-1 ESL) zoning.
 2. Adopt Ordinance No. 3445 affirming the above rezoning.
- 30-ZN-1991#2

Purpose: This request is for an amended site plan approval to allow for office development.

Location:

Northeast corner of Via Linda & 136th Street.

Key Considerations:

- The proposal increases the distance between future buildings on the site and existing residents on adjacent parcels.
- The views from the residences are preserved.
- Planning Commission recommends approval, 7-0.

Applicant:

Steven Voss, LVA Urban Design Studio, 7502 E Main St, Scottsdale, AZ 85251
480-994-0994

Owner:

Mayo Clinic Foundation, 13400 E. Shea Boulevard, Scottsdale, AZ 85259

Staff Contact:

Kira Wauwie, Project Coordination Manager, 480-312-7061, E-mail: kwauwie@ci.scottsdale.az.us

21. Action: OK – 7/0

Hotel Valley Ho Historic Property Overlay

Consider a request to rezone from Highway Commercial (C-3) to Highway Commercial, Historic Property (C-3 HP) on an 8.86± acre parcel located at 6850 E. Main Street, and to place the property on the Scottsdale Historic Register, and consider adopting Ordinance No. 3453 affirming the rezoning.
7-ZN-2002

Purpose:

This request comes from the City of Scottsdale. This application was initiated by the Historic Preservation Commission (HPC) on March 14, 2002. Don Meserve in the Preservation Division is managing this application on behalf of the Historic Preservation Commission. Westroc is the owner of this property.

Location: 6850 E. Main Street

Key Considerations:

- The owner supports the rezoning request.
- The Historic Preservation Commission voted unanimously on 5/9/02 to recommend approval of the HP overlay zoning to the City Council and identified this property in the recent downtown survey as historically significant.
- The Hotel Valley Ho is historically significant in multiple criteria for designation including its association with Scottsdale's development as a top rated arts colony and tourist destination, for its modern organic architectural style and for being the first year round resort to open up in the town employing "southwestern" architecture.
- The Hotel Valley Ho is the last resort remaining of the postwar boom that put Scottsdale on the map as a tourist destination and it has retained a high level of integrity in all aspects.
- No development or change in use or the underlying zoning is proposed in this City-initiated Historic Property overlay zoning case.
- The Planning Commission voted 6-0 on the regular agenda to forward the case to the City Council with a recommendation for approval.

Applicant:

Don Meserve, City of Scottsdale, 7447 E. Indian School Rd Ste 105, Scottsdale, AZ 85251
480-312-2523

Owner:

Scott Lyon, Managing Member, Westroc Real Estate Development, 7305 East Greenway Road
Scottsdale, Arizona 85260, 480-367-6222

Staff Contact:

Don Meserve, AICP, Preservation Planner, 480-312-2523, E-mail: dmeserve@ci.scottsdale.az.us

22. Action: OK – 7/0

Craftsman Court Historic Property Overlay

**Consider a request to rezone from Central Business District (C-2) to Central Business District, Historic Property (C-2 HP) on a .82 ± acre parcel located at 7121-7141 E. 5th Avenue and to place the property on the Scottsdale Historic Register, and consider adopting Ordinance No. 3454 affirming the rezoning.
8-ZN-2002**

Purpose:

This request comes from the City of Scottsdale. This application was initiated by the Historic Preservation Commission on March 14 of this year. Don Meserve in the Preservation Division is managing this application on behalf of the Historic Preservation Commission. Sunbrella Properties, Inc. is the owner of this property.

Location: 7121 – 7141 E. Fifth Avenue

Key Considerations:

- The owner supports the rezoning request.
- The Historic Preservation Commission voted unanimously on 5/9/02 to recommend approval of the HP overlay zoning and identified this property in the recent downtown survey as historically significant.
- Public comments at open houses and public hearings were very favorable.
- No development and no change in use or the underlying zoning is proposed in this City-initiated Historic Property overlay zoning request.
- The Planning Commission voted 6-0 on the regular agenda to forward this case to the City Council with a recommendation for approval.

Applicant:

Don Meserve, City of Scottsdale, 7447 E. Indian School Rd Ste 105, Scottsdale, AZ 85251
480-312-2523

Owner:

Sunbrella Properties, Inc., 6925 E 5th Ave, Scottsdale, AZ 85251, 480-945-6794

Staff Contact:

Don Meserve, AICP, Preservation Planner, 480-312-2523, E-mail: dmeserve@ci.scottsdale.az.us

23. Action: OK – 7/0

Adobe Apartments Historic Property Overlay

**Consider a request to rezone from Central Business District (C-2) to Central Business District, Historic Property (C-2 HP) on a 12,504 square foot parcel located at 7037-7041 E. 1st Avenue and to place the property on the Scottsdale Historic Register, and consider adopting Ordinance No. 3455 affirming the rezoning.
9-ZN-2002**

Purpose:

This request comes from the City of Scottsdale. This application was initiated by the Historic Preservation Commission on March 14 of this year. Don Meserve in the Preservation Division is managing this application on behalf of the Historic Preservation Commission. Jimmy Eriksson is the owner of this property.

Location: 7037 – 7041 E. 1st Ave.

Key Considerations:

- The owner supports the rezoning request.
- The Historic Preservation Commission voted unanimously on 5/9/02 to recommend approval of the HP overlay zoning and identified this property in a recent downtown survey as historically significant.
- Public comments at open houses were very favorable.
- No development and no change in use or the underlying zoning is proposed in this City-initiated Historic Property overlay zoning request.
- The Planning Commission voted 6-0 on the regular agenda to forward this case to City Council with a recommendation for approval.

Applicant:

Don Meserve, City of Scottsdale, 7447 E. Indian School Rd Ste 105, Scottsdale, AZ 85251
480-312-2523

Owner: Jimmy Eriksson, 7041 E First Ave, Scottsdale, AZ 85251, 941-1414

Staff Contact:

Don Meserve, AICP, Preservation Planner, 480-312-2523, E-mail: dmeserve@ci.scottsdale.az.us

24. Action: MOTION TO REFER THE BALLOT MEASURE TO THE VOTERS, ADOPT ORDINANCE. NO. 3460, ADOPT (SUBJECT TO VOTER APPROVAL) ORDINANCE NO. 3461, ADOPT RESOLUTION NO. 6127 AND APPROVE BUDGET TRANSFER - DIED FOR LACK OF A SECOND

(At the request of Councilman Littlefield.)

Consider referral of ballot measures to the voters for a charter amendment and city code amendments for formation of a municipal fire department, and

Adopt Ordinance No. 3460 submitting to the qualified electors of the city a charter amendmnet, adding Sec. 6 to Art. 4 of the Charter, requiring the creation of a municipal fire department, and

Adopt, subject to voter approval, Ordinance No. 3461, amending Chapter 36 of the Scottsdale Revised Code by adding Sections 36-1, 36-2 and 36-3, relating to formation of a municipal fire department, and

Adopt Resolution No. 6127 calling a Special Election on the ballot measures for November 5, 2002 and referring Ordinance No. 3460 (charter amendment) and Ordinance No. 3461 (city code amendments) to the voters for adoption or rejection, and

Approve a budget transfer from the General Fund Contingency Account (No. 100-99501-52890) to the City Clerk's Office Elections Expense Account (No. 100-01035-52190) in the amount of \$50,000.00 for the estimated cost of the Special Election.

Purpose:

This item was agendized at the request of Councilman Littlefield, to provide the Mayor and Council the opportunity to consider referring the charter amendment and City Code provisions, proposed by Initiative Petitions IT-02-02 and IT-02-03 for establishment of a municipal fire department, to the ballot for voter consideration and adoption or rejection at a special election to be held on November 5, 2002.

Key Considerations:

- Initiative petitions (IT-02-02 and IT-02-03) are being circulated to place before the voters two ballot measures proposing a charter amendment and proposed City Code provisions, requiring and providing for establishment of a municipal fire department. The initiatives require 16,531 valid signatures, each, to qualify for the ballot.
- Absent the City Council calling a special election, either or both of the initiative measures that qualify for the ballot would be placed on the ballot for the City's general election to be held on March 9, 2004.
- For the initiatives to be placed on the ballot for a special City election to be held on November 5, 2002, the initiative petitions would be required to be filed-in by July 4, 2002, and a call of election would need to be adopted by the City Council at a special meeting on or before July 23, 2002. There is the possibility that the total number of valid signatures on the initiative petitions would not have been determined in advance of the special Council meeting and, therefore, that the call of election would have to be passed conditionally.

- State law regarding initiative measures and the Scottsdale Charter provide the City Council with the ability to refer a proposed measure to the voters for adoption or rejection, with or without initiative petitions.

Staff Contacts:

Sonia Robertson, City Clerk, 312-2412, srobertson@ci.scottsdale.az.us

David A. Pennartz, City Attorney, 312-2405, dpennartz@ci.scottsdale.az.us

PUBLIC COMMENT - NONE

Previously referred to as “Items from the Floor,” citizens may complete one speaker/citizen comment card per night (check the box that refers to items from the floor) and submit it to the City Clerk before or during this evening’s meeting. This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

CITY MANAGER’S REPORT - NONE

MAYOR AND COUNCIL ITEMS - NONE

ADJOURNMENT - 9:48 P.M.

Section 2.17 of the Scottsdale City Code states, “Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting.” The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.